

March 11, 2019

VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street S.W.
Room TWA325
Washington, DC 20554

Re: Notice of *Ex Parte* Presentation
PS Docket Nos. 16-269, 12-94, 06-229; WT Docket No. 06-150

Dear Ms. Dortch:

Southern Linc, an Atlanta-based regional wireless carrier with network coverage throughout Alabama, Georgia, southeast Mississippi, and the Florida panhandle, supports the Boulder Regional Emergency Telephone Service Authority's ("BRESTA") request that the Commission reconsider its decision not to issue a Declaratory Ruling or Notice of Proposed Rulemaking to ensure that FirstNet supports interoperability at all levels, including for roaming arrangements.¹

Southern Linc offers an array of mission-critical services, including push-to-talk, voice, and data services, throughout its service areas. Without clear interoperability standards imposed on AT&T and FirstNet, first responders will be unable to securely and directly communicate with other jurisdictions in the way they expect, and as is currently available on many existing, interoperable statewide land mobile radio networks. This very predictable scenario will leave first responders worse off under FirstNet than under the status quo.

Natural disasters and other man-made emergencies underscore the urgent need to ensure interoperability between public safety communications systems, regardless of which network they may be on. As Southern Linc knows firsthand, large-scale events like Hurricane Michael require an immediate response by and coordination among multiple public safety agencies and emergency first responders from multiple jurisdictions. The ability of these agencies to communicate and exchange information between applications, databases, and systems when responding to emergencies will save lives and property and protect first responders and the community.

¹ Boulder Regional Emergency Telephone Service Authority, Petition for Reconsideration, or in the Alternative, Petition Declaratory Ruling and Petition for Rulemaking, PS Docket Nos. 16-269, 12-94, 06-229, WT Docket No. 06-150 (filed Nov. 21, 2018).

For these reasons, Congress made interoperability a linchpin of the Spectrum Act and the FirstNet system.² The Spectrum Act commands that FirstNet “shall ensure the establishment of a nationwide, interoperable public safety broadband network,”³ and it defines “nationwide public safety broadband network” to mean an “*interoperable* public safety broadband network.”⁴ The Spectrum Act also established an interoperability board (“Board”) to “develop recommended minimum technical requirements to ensure a nationwide level of interoperability for the nationwide public safety broadband network” based on “the commercial standards for Long Term Evolution (LTE) service.”⁵ To date, the Board has established cross-platform interoperability based on an LTE standard.

Congress identified the need for interoperability among public safety communications systems as one of the fundamental responsibilities of FirstNet. Congress also recognized that interoperability requires constant vigilance, not one-time review.

Active FCC oversight to ensure interoperability remains all the more necessary today given the troubling actions and statements of AT&T in recent months.⁶ C Spire, for example, has noted AT&T and FirstNet appear “to have no intention of establishing standards or agreements with other commercial carriers to ensure prioritized interoperability for critical public safety applications and access.”⁷ Unsurprisingly, other stakeholders, including Competitive Carriers Association,⁸ Verizon,⁹ and the Mississippi Wireless Communications Commission,¹⁰ have urged the Commission to clarify that AT&T and FirstNet must ensure interoperability with commercial carriers—including sharing priority and preemption protocols, applications, local control, non-mission critical and mission-critical PTT communications, and off-air device-to-device communications.

² See Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156 (2012) (“Spectrum Act”).

³ 47 U.S.C. § 1422(a).

⁴ 47 U.S.C. § 1401(21).

⁵ 47 U.S.C. § 1401

⁶ See 47 U.S.C. §§ 1422, 1426; see also Letter from Michael D. Rosenthal, Southern Linc, to Marlene H. Dortch, Secretary, Federal Communications Commission, PS Docket Nos. 16-269, 12-94, 06-229, WT Docket No. 06-150 (filed Aug. 7, 2018).

⁷ Ex Parte Letter of Benjamin M. Moncrief, C Spire, to Marlene H. Dortch, Secretary, Federal Communications Commission, PS Docket Nos. 16-269, (filed July 12, 2018).

⁸ Ex Parte Letter of Rebecca Murphy Thompson, EVP & General Counsel, Competitive Carriers Association, to Marlene Dortch, Secretary, FCC, PS Docket Nos. 16-269, 12-94, 06-229, WT Docket Nos. 06-150, 12-69 (filed Aug. 20, 2018)

⁹ Ex Parte Letter of Robert Morse, Assistant General Counsel – Federal Regulatory and Legal Affairs, Verizon, to Marlene H. Dortch, Secretary, FCC, PS Docket No. 16-129 (filed July 12, 2018)

¹⁰ Ex Parte Letter of Vicki B. Helfrich, Executive Officer, Mississippi Wireless Communications Commission (Dec. 6, 2018)

Allowing vague or ill-defined standards to persist would limit FirstNet's interoperability with other LTE systems. The resulting lack of clarity would not only vitiate the work of the Board in preparing the technical recommendations governing interoperability, but also the will of Congress in adopting the Spectrum Act.

Pursuant to Section 1.1206(b)(2) of the Commission's rules, this letter is being filed electronically with your office. Please contact me with any questions about this filing.

Respectfully submitted,

/s/ Michael D. Rosenthal

Michael D. Rosenthal
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Southern Linc